

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

NUCLEAR DEVELOPMENT, LLC,

Plaintiff,

v.

TENNESSEE VALLEY  
AUTHORITY,

Defendant.

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CIVIL ACTION CASE NUMBER:

5:18-cv-01983-LCB

**DEFENDANT’S RESPONSES AND OBJECTIONS TO PLAINTIFF’S  
AMENDED THIRD SET OF REQUESTS FOR ADMISSION**

Defendant Tennessee Valley Authority (“TVA”) submits the following responses and objections to Plaintiff’s Amended Third Set of Requests for Admission:

1. As of November 30, 2018 and in its present condition, Bellefonte Unit 1 is not a utilization facility as defined by 10 CFR 50.2.

**RESPONSE:** TVA objects to this request because it is a compound statement containing multiple propositions of fact and thus each request is not limited to a single fact as required by Fed. R. Civ. P. 36(a)(2). Without waiving that objection, TVA will construe this as two requests (one as of November 30, 2018, and the other as of the present), and responds that both requests are denied.

2. As of November 30, 2018 and in its present condition, Bellefonte Unit 2 is not a utilization facility as defined by 10 CFR 50.2.

**RESPONSE:** TVA objects to this request because it is a compound statement containing multiple propositions of fact and thus each request is not limited to a single fact as required by Fed. R. Civ. P. 36(a)(2). Without waiving that objection, TVA will construe this as two requests (one as of November 30, 2018, and the other as of the present), and responds that both requests are denied.

3. As of November 30, 2018 and in its present condition, Bellefonte Unit 1 cannot be used to sustain nuclear fission in a self-supporting chain reaction.

**RESPONSE:** TVA objects to this request because it is a compound statement containing multiple propositions of fact and thus each request is not limited to a single fact as required by Fed. R. Civ. P. 36(a)(2). Without waiving that objection, TVA will construe this as two requests (one as of November 30, 2018, and the other as of the present), and responds that both requests are admitted.

4. As of November 30, 2018 and in its present condition, Bellefonte Unit 2 cannot be used to sustain nuclear fission in a self-supporting chain reaction.

**RESPONSE:** TVA objects to this request because it is a compound statement containing multiple propositions of fact and thus each request is not

**limited to a single fact as required by Fed. R. Civ. P. 36(a)(2). Without waiving that objection, TVA will construe this as two requests (one as of November 30, 2018, and the other as of the present), and responds that both requests are admitted.**

5. TVA's March 22, 2010 "Bellefonte Nuclear Plant Unit 1 and Common Completion Project" report produced by TVA as TVABLN00001105-1205 (the "BLN DSEP Report") genuinely constitutes the Detailed Scoping, Estimating and Planning Study report issued by TVA's Nuclear Generation, Development and Construction Group as of such date.

**RESPONSE: Admitted.**

6. The plant components listed in Table 2-1 at page 14 of the BLN DSEP Report as having been removed by TVA have not been replaced to the present date.

**RESPONSE: TVA objects to this request because it is a compound statement containing multiple propositions of fact and thus each request is not limited to a single fact as required by Fed. R. Civ. P. 36(a)(2). Without waiving that objection, TVA will construe this as ten requests (one for each category on Table 2-1), and responds as follows: The request pertaining to the category on Table 2-1 entitled "Steam Generator Material/Installation Contract" is denied because TVA has purchased replacement steam generators. The requests pertaining to the remaining categories on Table 2-1 are admitted.**

s/ Matthew H. Lembke  
Attorney for Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 16, 2020, the foregoing document was served via e-mail on the following counsel of record for ND:

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